

REMARKS

The Examiner's indication that all of the items listed on Form PTO-1449 of the Information Disclosure Statements of August 30, 2001 have been considered is acknowledged and much appreciated.

Claims 1-6 and 16-21 are currently under consideration.

The Examiner objected to Claims 1-6 and 16-21, alleging that the term "solid solution" is unclear such that correction is required. This objection is respectfully traversed on the grounds that those skilled in the art would understand what is claimed when these claims are read in light of the specification. By way of example, the specification sets forth what is meant by a solid solution with respect to an additive in an oxidized state and titanium oxide, and further, sets forth an example of how one would determine if an additive in an oxidized state and titanium oxide do or do not form a solid solution, or form a range of solid solutions under different conditions. (See specification at page 5, lines 4-29, for example.)

Further, it is submitted that the Examiner's statement that "[i]t is understood in the art that there is no such solution exist[ing] in nature," is simply incorrect. It is readily recognized in the relevant art, and amongst many lay people with and without a general education in science, that solid solutions do exist. A definition of "solid solution" from a general dictionary (The American Heritage Dictionary, 2nd College Edition, p. 1163) and an overall definition of a "solution" from a handbook of chemistry and physics (CRC Handbook of Chemistry and Physics, 64th Edition, p. F-262) are submitted herewith, merely by way of example, not limitation, to refute the Examiner's statement.

In view of the foregoing, it is submitted that the objections to Claims 1-6 and 16-21 have been overcome and no correction is required. Withdrawal of these objections and the call for correction are therefore earnestly requested.

Claims 1-6 and 16-21 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over U.S. Patent No. 6,475,626 to Stachowiak (hereinafter, simply "Stachowiak") in view of U.S. Patent No. 6,436,542 to Ogino *et al.* (hereinafter, simply "Ogino").

On its face, Stachowiak shows a filing date of February 27, 2001. The Examiner has neither suggested nor demonstrated that an earlier effective filing date, *arguendo*, might be

associated with the subject matter of Stachowiak upon which she relies. On its face, Ogino shows a filing date of July 11, 2000. The earliest of the above-mentioned filing dates is July 11, 2000.

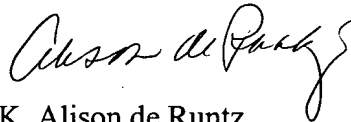
Attached is a Declaration of Rand David Dannenberg under 37 C.F.R. 1.131. This declaration establishes invention of the subject matter of Claims 1-6 and 16-21 prior to July 11, 2000.

In view of the foregoing, it is respectfully submitted that the rejections of Claims 1-6 and 16-21 cannot stand. Withdrawal of these rejections is therefore earnestly requested.

CONCLUSION

Claims 1-6 and 16-21 define novel and non-obvious subject matter of the present invention. An early notification that the application is in condition for allowance is earnestly solicited.

Respectfully submitted,



K. Alison de Runtz
Reg. No. 37,119

Parsons Hsue & de Runtz LLP
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160
(415) 693-0194 (Fax)